

REMARKS

Claims 1-46 are pending and have been restricted under 35 U.S.C. § 121 into 131 groups:

The Examiner requests that one of the groups of claims be elected for examination. Although the restriction requirement is traversed for the reasons set forth below, Applicants elect the claim of Group 36, claim 26, for examination.

The Restriction Requirement is traversed with respect to the division of the claim of Group 36 from the claims of Group 8, claims 9-12, 22 and 28. While the claims of Groups 36 and 8 are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. In particular, the method for identifying a nucleic acid of claim 26 depends from and uses the oligonucleotide of claim 9, which is in Group 8. Thus, a search of the claim of Group 36 will, of necessity, reveal information relevant to the examination of the claims of Group 8 and, therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claim of Group 36 with the claims of Group 8 together should not be an undue burden on the Examiner.

The Restriction Requirement is further traversed with respect to the division of the claim of Group 36 from the claim of Groups 37-42, which all are directed to claim 26. While the claims of Groups 36-42 are patentably distinct, it is submitted that a thorough search of the claim of any of these groups will likely reveal art relevant to the examination of the claim of the other groups. This is further indicated by the fact that all of Groups 36-42 are directed to the same claim, claim 26, and are each classified in the same class and subclass (class 435, subclass 6). Thus, a search of the claim of Group 36 will, of necessity, reveal information relevant to the examination of the claim of Groups 37-42 and, therefore, division of the same claim into these seven groups would result in duplicative searches. Applicants respectfully submit that the sequences encompassed by claim 26 should be viewed as species rather than separate groups. Therefore, examination of the claim of Group 36 with the claim of Groups 37-42 together should not be an undue burden on the Examiner.

Applicants elect the claims of Group 36, claim 26, for examination. Applicants respectfully request that the Restriction Requirement be reconsidered and that the claims of Group 36 be examined with the claims of Group 8, claims 9-12, 22 and 28, and claims 37-42, claim 26. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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